

REMARKS**REGARDING THE AMENDMENTS**

In order to more exactly reference the figures and further to bring the specification and drawings into better agreement applicants have made the following amendments:

In paragraph 0006 the word “lead” has been replaced with “load”, correcting an obvious error.

In paragraph 0009 the language “(herein after referred to as figure 1)” has been added.

In paragraph 0011 “figure 1” is replaced by “figures 1a, 1b and 1c (herein after figure 1)”.

In paragraph 0013 the language “Shown in figure 2” is replaced with “Shown in figures 2a, 2b and 2c (herein after figure 2)”.

In paragraph 0014 the language “Figure 3 shows” is replaced with “Figures 3a, 3b and 3c (herein after figure 3) show”.

In paragraph 0015 the language “In figure 4 bracket” is replaced with “ In figures 4a, 4b and 4c a bracket”.

In paragraph 0016 “ Figure 5” is replaced by “ Figures 5a, 5b and 5c”.

In paragraph 0017 “Figures 6a-d show” is replaced with “Figures 6a-d (herein after figure 6) show”.

In paragraph 0019 “Figure 8 shows” is replaced with “Figures 8a, 8b, 8c and 8d (herein after figure 8) show”

In paragraph 0020 “Shown in figure 9 is an alternate electrical box 60b, with figures 9a and 9b showing” is replaced with “Shown in figures 9a and 9b is an alternate electrical box 60b showing”.

In paragraph 0021 “Figure 10 shows” is replaced with “Figures 10a, 10b, 10c, 10d and 10e (herein after figure 10) show”.

In paragraph 0022 “Figure 11 shows an alternate electrical box 60d similar to the box 60c of figure 10, with figures 10a and 10b showing” is replaced with “Figures 11a and 11b show an alternate electrical box 60d similar to the box 60c of figure 10, with figures 11a and 11b showing”.

In paragraph 0023 “Figure 12 shows” is replaced with “Figures 12a, 12b, and 12c show”.

In paragraph 0024 “Figure 13 shows” is replaced with “Figures 13a, 13b and 13c show”.

In paragraph 0024 “for example the 3 inch ceiling electrical box shown in figure 3,” with “for example the 3 inch ceiling electrical box shown in figures 3a-c,”.

ITEMS OF OFFICE ACTION

Applicants now address each item of the office action.

1. The drawings are objected to under 37 CFR 1.83(a) as failing to show figures 1-5 and 7-13 as described in the specification.

Applicant has amended the specification to reference the particular partial views of the figures, bringing the written specification into more specific agreement with the drawings. Applicant believes the amendments meet this requirement of the office.

2. Claims 1-19 are objected to because the terms “a top interface”, “a side interface”, “a rigid member” and “a mating surface” are not mentioned in the specification. 37 CFR 1.75(d)(1) and MPEP § 608.01 are mentioned.

37 CFR 1.75(d)(1), referred to by the office, requires that “the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” Applicant argues that the meanings of the terms and phrases of the claims are readily ascertainable when read in light of the description and the claims language itself (which is also a part of the description). MPEP § 608.01(i) refers to that rule.

Applicant refers now to MPEP § 2173.05(e):

A CLAIM TERM WHICH HAS NO ANTECEDENT BASIS IN THE DISCLOSURE IS NOT NECESSARILY INDEFINITE

The mere fact that a term or phrase used in the claim has no antecedent basis in the specification disclosure does not mean, necessarily, that the term or phrase is indefinite. There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

An applicant is not required to include the words of the claims in the description, so long as “the terms and phrases used define the invention with a reasonable degree of clarity and precision.”

See also MPEP § 1302.02 p. 1300-2, first column, beginning with “ There should be clear support...”

Briefly, antecedent bases for the phrases “top interface”, “side interface” may be found in paragraphs 11, 13, 14, 15, 17, 23 and 24. Antecedent bases for a “mating feature for a fastener” may be found in paragraphs 10, 16, 22 and 23. A rigid member providing resistance to a compressive force between a top and side interface has support in paragraphs 11, 12 and 23. Applicant now particularly points out the clear support for each of these terms, required by 37 CFR 1.75(d)(1).

Applicant will first address the term “top interface.” First, the language of that term is clear by the language of the claims themselves. Claims 1, 16 and 19 all reference a “top interface providing a mating between [the] device and the interior top region of [an] electrical box”. It is clear from that language that the top interface must mate to at least one particular type of electrical box (although it might mate to several, as in the example of figures 1a-c as shown in figures 2a-5c). The first example that includes a top interface is the device of figures 1a-c. That device includes a “Planar portion 12a ... forms an interface providing a mating to the top of an electrical box at the inside” (see para. 0011 lines 5-6.) Figures 2a-c show that example installed to a four-inch electrical box: “When bracket 11a is in installed position, top mating interface 12a (not shown) rests against the electrical box top inside surface 26a ...” (para. 0013 lines 7-8.) Figures 3a-c show that example installed to a three inch electrical box: “For this box, the

installation position of bracket 11a also brings top mating surface 12a (not shown) against electrical box top inside surface 26b” (para. 0014 lines 5-7.) Figures 4a-c show that example installed to a metallic electrical box: “As in the plastic boxes, bracket 11a mates top mating surface 12a against the top of the electrical box 26c ...” (para. 0015 lines 5-6.)

A second example shown in figures 12a-c “includes a substantially flat surface 12b for mating with the top of an electrical box” (para. 0023 line 3.) A third example shown in figures 13a-c also “includes a top mating interface” (para. 0024 lines 2-3.) “Bends ... are included to orient ... top mating surface ... in positions that will mate well with the intended electrical boxes ...” (para. 0024 lines 6-8.) Now although in the above examples the devices show a substantially flat surface, that is coincidental because most, if not all, ceiling electrical boxes are made with a flat top interior surface. Applicant does not exclude interfaces that are not entirely or substantially flat from the meaning of “top interface.”

As for “side interfaces”, the first example includes “planar portions 12a and 15a ... shaped to form an interface to the side of an electrical box at the inside” (para. 0011 lines 6-7.) When mounted to the four-inch electrical box shown in figures 2a-c, “side interface 14aa [rests] against a flat portion 21a of the electrical box sidewall” (para. 0013 line 8.) In the first example, the side interface includes an indented portion that “rests against boss 20b at the side interfaces 14ab and optionally 13ab” (para. 0014 lines 8-9.) The first example is also shown mated to a metallic electrical box wherein the example “mates side interface 14aa against electrical box sidewall 21c” (para. 0015

line 7.) The example shown in figures 12a-c include “mating surfaces 13b and 14b ... to rest against an electrical box sidewall” (para. 0023 lines 3-4), which would also fall under the meaning of “side interface”. The example of figures 13a-c includes “side interface areas 13cb and 14cb ... to mate to a fastener boss” and “bends 17c and 18c ... to orient ... side interface areas ... in positions that will mate well with the intended electrical boxes” (para. 0024 lines 5-8.) A side interface, as understood from the examples, is fashioned to conform to the sidewall of the electrical boxes for which it is designed, which is reflected in the claims language “a side interface providing a mating between said bracket and the interior side region of the electrical box”.

As for a “rigid member”, the claims language itself requires that the “rigid member provid[es] resistance to a compressive force applied between said top interface and said side interface”. The first example includes a “planar portion 15a [that] provides a strut-like portion providing resistance to a compressive force applied between the top and side interfaces.” (para. 0011 lines 11-12.) That example (including the planar portion) is disclosed to be fashionable by zinc-plated mild steel, aluminum, brass, and “pot” metals (para. 0012). The variation shown in figures 12a-c includes a “compressive portion [that] is small, and is mainly around the bend at 13b” and further that “this bracket is preferably constructed of stiffer and/or stronger materials” (para. 0023 lines 8-10.) The example of figures 13a-c also includes a “strut portion 15c” (para. 0024 line 3.) Applicant believes the meaning of rigid member is clear from the claims language itself, when considered in light of the examples given in the specification.

As for “mating feature for a fastener”, the claims language is specific that “said feature includ[es] a hole through which a fastener may be inserted”, “provid[es] an attachment point for the fastener”, and “[is] oriented in a position relative to said bracket such that the fastener may be installed through the access aperture to secure said bracket to a structural member in structural adjacency to the electrical box”. The first example includes “two fastener features, in this example recesses, 16aa and 16ab [that] provide attachment points for screws.” (para. 0011 lines 14-15.) Applicant asserts that “a mating feature for a fastener” is merely a descriptive form of “fastener feature”, as the fastener features shown and described mate with fasteners. For the example of figure 1, it is also disclosed that “it is preferred that ... the position of any fastener features be set so as to permit ease of access to the fasteners using ordinary tools ... for example a screwdriver or hammer” (para. 0011 lines 21-25.) “Fastener features 42” are also included in the integrated electrical box shown in figures 6a-d that “might be, for example, screw guides, nail guides, or conical or countersunk structures for securing a screw head” (para. 0017 lines 6-8.) The examples of figures 12a-c and 13a-c also include “fastener features” (para. 0023 at line 6 and para. 0024 at line 3.)

Applicant believes that the meaning of those four phrases is clear, when read in light of the specification, as demonstrated above. Applicant therefore requests reconsideration of this objection. Should the Office disagree, the office should suggest corrections (see MPEP § 2173.05(e), p. 2100-212, first column). Applicant's representative would like to be called at the

phone number below to discuss this issue should it be regarded unresolved by the above arguments.

3. Claims 1-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of copending application no. 10/723,501.

Applicant will file a terminal disclaimer under 37 CFR 1.321(c) upon receipt of a notice of allowance in this application, referring to copending application no. 10/723,501.

4. No item 4 appears in the above-referenced office action.

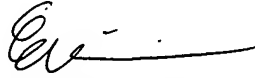
5. No item 5 appears in the above-referenced office action.

6. Applicant takes note of the references made of record but not relied upon.

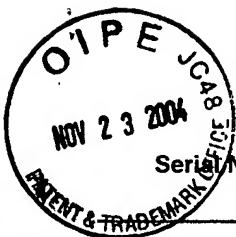
7. Applicant takes note of the examiner's contact information.

Applicant presents the above arguments in the belief that the claims as originally filed remain allowable. Applicant invites a telephone call to the applicant's representative at the number below should there be any remaining questions.

Respectfully submitted this 17 day of November, 2004.



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**Amendment and response to
non-final office action**

Examiner: Estrada, Angel R.
Group Art Unit: 2831

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